

B-NRB

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMERRILL LYNCH BUSINESS FINANCIAL  
SERVICES INC.,

07 CV 9728 (NRB)

Plaintiff,

-against-

J.S. SUAREZ, INC., RAMONA SUAREZ, MATTHEW  
SUAREZ, SUAREZ NEW YORK LLC,  
and "JOHN DOE #1" THROUGH "JOHN DOE #12"  
the last twelve names being fictitious  
and unknown to plaintiff, being persons having or  
claiming an interest in or lien upon the chattel described  
in the complaint,

Defendants.

ORDER OF SEIZURE

Plaintiff, Merrill Lynch Business Financial Services Inc., by its attorney, Spencer L. Schneider, Esq., having brought this motion for an order of seizure by Order to Show Cause, and this Court having signed the Order to Show Cause on November 2, 2007, and the Court having heard argument on the motion on December 11, 2007, and December 17, 2007,

Now on the motion of Spencer L. Schneider, Esq., attorney for plaintiff, it is hereby

**ORDERED**, that

(a) pursuant to FRCP Rule 64 and NY CPLR §7102, the Sheriff, or a US Marshall, is hereby authorized to seize all accounts, chattel paper, inventory, equipment, deposit accounts, financial assets and the proceeds thereof of J.S. Suarez, Inc. (the "Collateral"), located at 5 West 56<sup>th</sup> Street, New York, NY 10019, or any other locations, and further directing that, if said chattel is not delivered to the Sheriff or US Marshall, he may break open, enter, and search for the chattel in the location specified hereinabove, including for any bank accounts of J.S. Suarez, Inc.;

- b. defendants are hereby restrained from removing, transferring, selling, pledging, assigning, or otherwise disposing of or permitting to become subject to a security interest or lien, the Collateral;
- c. defendants, their agents, servants, employees and all others acting in concert with them, are restrained from interfering with the seizure of the Collateral;
- d. defendants shall cooperate with plaintiff, make the Collateral available to the MLBFS, as MLBFS shall direct, for purposes of performing an inventory and valuation thereof, and for purposes of MLBFS taking possession and control of said collateral; and,
- e. defendants shall provide MLBFS with all invoices for the Collateral;
- f. J.S. Suarez, Inc. is directed to deposit into its account at MLBFS the proceeds of any sales on the Collateral, which deposits may be used by MLBFS to reduce said defendants' indebtedness to MLBFS, or to provide the proceeds of such sales directly to plaintiff's counsel for deposit into his escrow account for the benefit of plaintiff;
- g. pursuant to FRCP Rule 26(d) and NY CPLR § 7112, that defendant's principal, Matthew Suarez, shall appear for a deposition at the offices of Spencer L. Schneider, Esq., located at 70 Lafayette Street, New York, New York 10013, by no later than January 11 2008, at a date and time determined by counsel, to give testimony as to the whereabouts of the Collateral and bring with him all books of records of J.S. Suarez, Inc. identifying the whereabouts of the Collateral.

Dated: New York, New York  
December 21, 2007



United States District Judge